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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
DAVID RUSSELL MYRLAND,
Defendant.

NO.

MT 11-30

COMPLAINT FOR VIOLATION
18 U.S.C. § 875(c)

Before the Honorable Mary Alice Theiler, United States Magistrate Judge, at
Seattle, Washington.

COUNT ONE

(Transmission of Threatening Interstate Communication)

On or about August 30, 2010, at Kirkland, within the Western District of
Washington and elsewhere, DAVID RUSSELL MYRLAND knowingly did transmit in
interstate and foreign commerce a communication containing a threat to kidnap and injure
the person of another, in that he used a computer and the Internet to transmit, by
commercial and interstate electronic mail ("e-mail"), a message addressed to J.M., the

1 Mayor of the City of Kirkland, which message was received at a City of Kirkland
2 computer server, and in which message DAVID RUSSELL MYRLAND threatened to
3 use force to "arrest" J.M. in her home.

4 All in violation of Title 18, United States Code, Section 875(c).

5 And the undersigned Complainant, Special Agent John Dean, hereby further states
6 as follows:

7 **I. INTRODUCTION AND AGENT BACKGROUND.**

8 1. I, John Dean, am a Senior Special Agent in the United States Department of
9 Homeland Security (DHS), National Protection and Programs Directorate (NPPD),
10 assigned to the Federal Protective Service (FPS), Arctic Northwest Region, in Federal
11 Way, Washington. I have been a Special Agent with FPS for eleven (11) years. Prior to
12 my becoming a Special Agent, I had been a Police Officer with FPS for four (4) years.
13 Prior to my employment with the FPS, I was a Police Sergeant with the Department of
14 Defense Police for three (3) years, and a Security Policeman with the United States Air
15 Force for six (6) years. I have attended, and graduated, formal training academies for each
16 of the organizations listed. Additionally, I have received formal, informal, and
17 experience-based training on the conduct of Protective Investigations throughout my
18 career. Part of my duties entails the response, and investigation of threats to individuals
19 and Government organizations.

20 2. As set forth below, there is probable cause to believe that DAVID
21 RUSSELL MYRLAND has committed a violation of Title 18, United States Code,
22 Section 875(c), which prohibits the interstate communication of threat to kidnap or injure
23 any person.

24 3. This Complaint is based on my own investigation and on information
25 provided to me by other law enforcement officers. This Complaint is submitted for the
26 limited purpose of showing probable cause to arrest DAVID RUSSELL MYRLAND, and
27 therefore does not contain every fact known to me about this investigation.
28

II. SUMMARY OF PROBABLE CAUSE.

A. THE KIRKLAND TRAFFIC STOP AND ARREST.

4. Based on my investigation, and a review of reports provided by the Kirkland Police Department and the King County Prosecuting Attorney's Office, the events leading to this complaint began on August 10, 2010. On that date, Kirkland Police Department Officers observed a red Volvo driving on the 132nd Avenue N.E. in Kirkland without a visible license plate. Officers recognized the vehicle as belonging to DAVID RUSSELL MYRLAND, who was the subject of an earlier "officer safety" bulletin, who had in the past made threats to "arrest" police officers, and was known to possess a 9mm handgun.

5. The officer activated his emergency lights and pulled over the Volvo for not having a license plate. The vehicle turned on to NE 70th in Kirkland and came to a stop.

6. The Kirkland Officer approached the vehicle, and immediately noticed a black semiautomatic Springfield XD pistol lying on the front passenger seat. A loaded magazine was on top of the pistol.

7. Based on the presence of the firearm, the officer advised the driver (later identified as DAVID RUSSELL MYRLAND) to keep his hands on the steering wheel. MYRLAND responded that the gun was not loaded, and that he was allowed to have a gun. He then moved his hands towards the weapon, stating he would show the officer that the gun was not loaded. The officer advised him again to keep his hands on the steering wheel and not to reach towards the weapon.

8. The officer then asked MYRLAND why his vehicle did not have license plates. MYRLAND responded that he did not have to have license plates because he was "not subject to Washington State Laws," or words to that effect. MYRLAND offered to provide the officer with a legal brief explaining why, and claimed the officer lacked the legal authority to stop him.

9. The officer then asked MYRLAND for his driver's license, registration, and insurance information. MYRLAND then reached towards the handgun on the seat next to

1 him, and the officer again had to order MYRLAND to keep his hands on the steering
2 wheel.

3 10. MYRLAND then responded to the officer that he did not have a license or
4 registration paperwork, again explaining that he was not subject to the motor vehicle laws
5 of the State of Washington.

6 11. During the course of the stop, MYRLAND repeatedly claimed that he was
7 not subject to Washington State laws regarding driving, and stated that if he was placed
8 under arrest for violating those laws, he would be constitutionally authorized to come to
9 the officer's residence and arrest him at any time. The officers observed that MYRLAND
10 became very agitated, clenching his fists, and that his face turned red.

11 12. When additional officers arrived on scene, MYRLAND was removed from
12 the vehicle and searched for officer safety. During the search, officers discovered that
13 MYRLAND was wearing a shoulder holster for the semiautomatic pistol under his jacket.
14 Two additional loaded magazines for the pistol were stored in the holster. MYRLAND
15 told the officers he owned the firearm to "shoot pitbulls."

16 13. Records checks showed that the vehicle MYRLAND was driving was
17 registered out of the State of Oklahoma, but that the registration in that state was expired.
18 Records also showed that MYRLAND had a suspended driver's license in the third
19 degree. Based on those facts, the officers placed MYRLAND under arrest for driving
20 while license suspended in the third degree and for violation of vehicle trip permits.
21 MYRLAND's vehicle was impounded.

22 14. Officers read MYRLAND his rights, and he responded that "Apparently the
23 Constitution doesn't apply to me, so I must be crazy."

24 15. During transport to the Kirkland Police Department, MYRLAND became
25 agitated and began to yell. He informed the officer that the City had put the officer in a
26 "dangerous position" and that MYRLAND was in a position to "arrest" the officer due to
27 the "unlawful" nature of MYRLAND's arrest. MYRLAND also stated that he was
28 extremely upset at the Mayor of the City of Kirkland, and would be submitting affidavits

1 to the Superior Court regarding her treatment of him.

2 16. MYRLAND was booked and released, and asked to speak with the arresting
3 officer. The officer advised him that he would not release MYRLAND's firearm to him,
4 which caused MYRLAND to become enraged and yell. MYRLAND stormed out of the
5 Police Department, and yelled at a number of officers outside the building.

6 **B. THE EMAIL THREAT - COUNT ONE.**

7 17. My investigation has revealed that on or about August 30, 2010, Defendant
8 sent the following email to the official City of Kirkland email account for the Mayor of
9 Kirkland (XXXXXX@ci.kirkland.wa.us) from the email address governthis@hotmail.com:

10
11 On Friday, September 3, 2010, I, David Russell; Myrland,
12 will apply to a panel of Americans to offer evidence of
13 felonious conduct on your part, which constitutes an ongoing
14 threat to Public Safety, hoping to cause the issuance of a
15 "WRIT OF PROBABLE CAUSE" to substantiate the arrest of
16 your person under RCW 9A.16.020. Upon the issuance of
17 said Writ, 50 or more concerned Citizens with knowledge of
18 your crimes will enter your home and arrest you, to take you
19 to competent authorities as provided by law. DO NOT
20 RESIST as these Citizens will be heavily armed and will meet
21 all resistance with all necessary force, as provided by law. If
22 you default or otherwise do not appear, and if my application
23 is granted, I would advise you to keep your front and back
24 doors to your home UNLOCKED to better facilitate your
25 lawful arrest."

18 The Mayor contacted the Kirkland Police and filed a report of the incident.

19 18. On September 8, 2010, a Kirkland Police Department Detective contacted
20 MYRLAND via telephone in regards to the email. The Detective recognized the voice of
21 the individual he spoke with on the telephone as that of MYRLAND from his past
22 interactions with MYRLAND. MYRLAND stated he was aware of the email the
23 Detective was referring to, and admitted he had authored and sent the email to the
24 Kirkland Mayor at her City of Kirkland email address.

25 19. MYRLAND went on to claim that he had the legal right to effect a citizen's
26 arrest of the Mayor of Kirkland due to her unwillingness to address a legal problem he
27 was having with the City of Kirkland, and intended to follow through with arresting the
28

1 Mayor.

2 20. I know that email accounts whose addresses end in "@hotmail.com" are
3 controlled by Microsoft. A review of the header information for the email sent by
4 MYRLAND indicates that the "header" contains the initials "SNT." According to
5 Microsoft personnel, this means that the email was transmitted via a server in San
6 Antonio, Texas. The email therefore was transmitted in interstate commerce.

7 21. I recently interviewed the Mayor and she stated she was fearful for her
8 safety and that of her family due to the Defendant's email message. I respectfully submit
9 that her fear was objectively reasonable, particularly given the context of MYRLAND's
10 other interactions with Kirkland employees. Based on the foregoing, I respectfully submit
11 there is probable cause to believe that MYRLAND sent a threatening communication in
12 interstate commerce, in violation of 18 U.S.C. § 875(c).

13 **C. OTHER THREATS.**

14 22. This email threat was but one of a number of threats made by MYRLAND
15 against individuals employed by the City of Kirkland, which provide additional context to
16 the threat charged in Count One.

17 23. For example, on September 3, 2010, a Kirkland Assistant City Attorney,
18 O.R. received a telephone call on his home telephone. The caller identification system on
19 O.R.'s telephone identified the number calling as 425-556-9828, "David Myrland." The
20 male caller left the following voice mail message: "Keep your doors unlocked. Don't
21 resist. You're going to be meeting people."

22 24. O.R. recognized the voice on the message as that of the MYRLAND from
23 numerous in-person professional interactions in the past. O.R. contacted the same
24 Detective with the Kirkland Police Department, and provided a copy of the voice mail
25 message. The Detective also recognized MYRLAND's voice on the recording from past
26 interactions with the Defendant.

27 25. On September 8, 2010, the Detective contacted MYRLAND via telephone
28 in regards to the voice mail. MYRLAND admitted he had placed the telephone call and

1 left the voice mail message. MYRLAND stated he had the legal right to effect a citizen's
2 arrest of O.R. due to his unwillingness to address a legal problem he was having with the
3 City of Kirkland, and intended to follow through with arresting O.R. O.R. has told me
4 he was fearful for his safety and that of his family due to the Defendant's voice mail
5 message.

6 26. The King County Prosecuting Attorney's Office ultimately charged
7 MYRLAND with state offenses related to the threats made against the Kirkland Mayor
8 and Assistant City Attorney. Those charges are pending as of the date of this Complaint.

9 27. In response, MYRLAND has continued to claim that he is not subject to the
10 laws of the State of Washington, and that he has the authority, and the intention, to arrest
11 state and local officials whom he feels are somehow violating his rights by continuing to
12 prosecute his various local offenses. MYRLAND has also enlisted others to make threats
13 on his behalf.

14 28. On or about December 27, 2010, the City of Kirkland received a six-page
15 letter from a "D.W." with an address in Little Elm, Texas. The letter was delivered by
16 U.S Mail. The letter refers to the elected King County Prosecuting Attorney, D.S., and
17 also to O.R., as engaging in the "malicious prosecution" of people who think like
18 MYRLAND. It goes on to detail, at some length, how the City of Kirkland violated
19 MYRLAND's rights in regards to the traffic stop referred to above, and how the King
20 County Prosecuting Attorney was now wrongfully prosecuting MYRLAND for the
21 statements he made to the Mayor and the Assistant City Attorney.

22 29. The letter further states that it is "lawful for a private citizen to use deadly
23 force in attempting to apprehend a fleeing felon," and that "an assault is lawful when
24 necessary by a person arresting one who has committed a felony - that is, by a private
25 citizen." It concludes in part that "We the people see [the Mayor of Kirkland and the
26 Assistant City Attorney] as the criminals, and if Mr. [S] knows what's good for him he'll
27 either prosecute them instead, or he can expect the use of force against his person if he
28 intervenes on behalf of any criminal victimizing anyone I know. The same is true of the

1 Kirkland police and city officials.”

2 30. My investigation shows that similar letters were sent to the King County
3 Superior Court and to the Washington State Bar Association during the same time frame.

4 31. On January 13th, 2011, I called MYRLAND’s home telephone. The
5 person who answered the phone identified himself as David MYRLAND upon answering
6 the telephone. I told MYRLAND I was investigating some letters sent to the City of
7 Kirkland, Superior Court of King County, and the Washington State Bar Association,
8 apparently on his behalf. I described the content of the letters, and noted that his name
9 was mentioned several times in them. I asked MYRLAND if he was aware of these
10 letters, their content, and who wrote them.

11 32. MYRLAND stated he was aware that letters were being sent to various
12 government organizations on his behalf, and was aware that the content of the letters
13 involved him and his conflicts with the City of Kirkland and other entities. I then asked
14 MYRLAND if he had written the letters, and he stated he had not. However,
15 MYRLAND admitted that he had provided the information contained in the letters to
16 people via the internet, so they could research his conflicts and draft their own letters of
17 support.

18 33. I asked the defendant if he knew the authors of two letters in particular,
19 D.W and S.W., and how I might contact them to speak with them. The defendant stated
20 he did not know them personally, but did know who they were through interaction on the
21 internet, and did not know how to contact them directly via telephone or any other
22 method.

23 34. MYRLAND gave me the addresses of two Internet websites to research
24 information concerning his conflicts with local municipal governments:
25 www.noconfidence.com/cc.doc (site 1), and www.Talkshoe.com/tc/74235 (October 2nd,
26 2010 edition) (site 2). I found both sites on the Internet and observed the following.

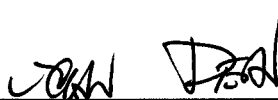
27 35. Site 1 contains a 26 page “Civil Complaint for money damages and other
28 relief.” MYRLAND stated he had authored this document. The document discusses

1 MYRLAND's conflicts with the City of Kirkland and King County, and reiterates
2 MYRLAND's opinion that he is not subject to compliance with the Revised Code of
3 Washington, and is being unlawfully persecuted by the respective City of Kirkland and
4 King County court systems. The document explains MYRLAND's belief that he can
5 legally arrest Kirkland and other municipal officials. On page nine of the document,
6 MYRLAND states that "[t]his leaves only deadly force as the sole remedy under RCW
7 9A.16.020, for there are no competent authorities to receive the arrested felons, and
8 therefore no prosecutorial authorities to hold any offender so arrested to the letter of the
9 law. Plaintiffs will go to prison for reporting crime by municipal authorities, or for
10 protecting themselves as provided by law against such crime. What level of force is
11 'necessary' force, in such an instance?" Obviously, this language is very similar to the
12 letters sent to the City of Kirkland, the WSBA, and the King County Superior Court.

13 36. Site 2 contains an audio recording of MYRLAND talking on a "radio"
14 show. I recognized MYRLAND's voice from our phone conversation, and the speaker
15 identified himself by name as MYRLAND in the recording. In the recording, the
16 defendant describes his conflict with municipal authorities in the City of Kirkland and in
17 King County. During the recording, MYRLAND tells people to go to a website, print out
18 a letter and describes how to mail them in, and to whom. In return, anyone who presents
19 proof of this will receive copies of MYRLAND's audio teachings. It should be noted that
20 the specific letters mentioned in this recording do not appear to be the same letters that
21 are the subject of this complaint, which contain direct threats in them (the West Letters);
22 rather, they appear to be a prior set of letters, in which the threats to arrest and such are
23 posed as questions. Nonetheless, based on the similarity between the letters and
24 MYRLAND's own writings, and his admissions to me that MYRLAND has solicited
25 others to write government officials on his behalf, I believe there is probable cause to
26 believe that MYRLAND aided and abetted the mailing of the threatening letter charged in
27 Count 2, in violation of 18 U.S.C. 876(c).
28

CONCLUSION

37. For the reasons set forth above, I respectfully submit that an arrest warrant should be issued for DAVID RUSSELL MYRLAND for violations of 18 U.S.C. §§ 845 and 876.


JOHN DEAN
Senior Special Agent, Department of Homeland Security

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the defendant committed the offenses set forth in the Complaint.

Dated this 21 day of January, 2011.


The Honorable Mary Alice Theiler
UNITED STATES MAGISTRATE JUDGE